

REMARKS

Claims 12-18, 20 and 21 are pending and at issue in the application with claims 12 and 13 being independent claims. Claim 21 has been added. As a result, 2 independent claims remain in the application as previously paid for, and 9 total claims remain in the application as previously paid for. This response is being filed with a Request for Continued Examination and fee. The applicants believe no additional fee is due. However, the commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 13-2855. Reconsideration and withdrawal of the rejections in view of the remarks below is respectfully requested.

Claim 12 is rejected under 35 U.S.C. §112, second paragraph as being indefinite. The applicants respectfully submit that the phrase “wherein at least one of certain parcel compartments and groups of parcel compartments are accessible only to certain user groups” is clear to one of ordinary skill in the art within the meaning of 35 U.S.C. §112, second paragraph. In particular, the action asserts that this phrase is unclear because “there is only one registered user assigned to one user group” and questions “[how] the registered user is accessible to certain user groups.” (See action, pages 3 and 4). However, it is clear from the language of the claims that a registered user is assigned to a user group and given access to a particular starting menu of that user group. Certain parcel compartment(s) and/or group(s) of parcel compartments are accessible only to certain user groups. As such, it is clear that the registered user is able to access the parcel compartment(s) and/or group(s) of parcel compartments by virtue of being assigned to a user group that is able to access such compartment(s) and/or group(s) of parcel compartments. Accordingly, the language of claim 12 is definite and clear to one of ordinary skill in the art within the meaning of 35 U.S.C. §112, second paragraph.

Turning to the prior art rejections, claims 12-18 and 20 are newly rejected as unpatentable over Moreno (U.S. Patent No. 6,882,269) in view of Gokcebay et al. (U.S.

Patent No. 6,791,450) under 35 U.S.C. §103(a).¹ The applicants respectfully traverse the rejections.

Each of claims 12-18, 20 and 21 recite an electronic parcel compartment system or method of operating an electronic parcel compartment system where, after assignment of a registered user to a user group, the registered user is enabled with access to a selection of several functions of the system via controls of the system, depending on the user group to which the registered user belongs. That is, different user groups, and the registered users thereof, have access to a selection of functions of the electronic compartment system via controls of the electronic compartment system. Independent claims 12 and 13 further recite that a user is given access to a particular starting menu of the user group to which the registered user belongs, and that certain parcel compartments and groups of parcel compartments are accessible only to certain user groups.

The applicants submit that none of claims 12-18, 20 or 21 would be rendered obvious over Moreno or Gokcebay et al., because one of ordinary skill in the art would not be motivated to combine the teachings of Moreno and Gokcebay et al. as asserted in the action. It is clear that the obviousness can only be established by identifying a reason why a person of ordinary skill in the art would have combined the prior art elements in the manner claimed. See MPEP 2143.01. Not just any reason will do. If the asserted motivation does not provide a reason for combining Moreno and Gokcebay et al. in the same manner as recited in the action, then it is not obvious to combine the references.

In particular, the action acknowledges that Moreno does not disclose “activating a function that causes an essentially simultaneous opening of several parcel compartments.” However, the motivation provided by the action (i.e., “alleviating the difficulties of many two income families receiving packages at home, and alleviating the suffering of delivery companies delivering packages over several trips as they very often have to make several trips to deliver and obtain signature”) does not suggest the desirability of providing an

¹ The applicants again note that while the action cites “USP 5,212,644” on page 3, the action refers to the reference as “Gokcebay et al.” However, U.S. Patent No. 5,212,644 was issued under the name of “Frisch” which was cited in a previous action dated June 26, 2006. The action also states that the grounds for rejection are new (see page 2), in which case Frisch is no longer being relied upon in the rejection. Accordingly, to the best of the applicants’ understanding, the official action means to refer to Gokcebay et al. (U.S. Patent No. 6,791,450).

essentially simultaneous opening of several parcel compartments. Indeed, the portion of Gokcebay et al. cited in the action (column 1, lines 9-19) reads as follows:

In the busy lives of today's society time has become the most sought after commodity. With many two income families, receiving packages at home for deliveries and dropping off items for services such as laundry has become difficult. With no time to spare, many order goods through the use of the Internet for home delivery.

On the other hand, delivery companies also suffer, as they very often have to make several trips to deliver and obtain signature. Providing locker systems where consumers can pick up packages and drop off items located at convenient locations can alleviate this problem. ...

This passage clearly states that is the provision of the parcel compartments themselves that alleviates the difficulties encountered by families and delivery companies. Whether or not several parcel compartments may open simultaneously has absolutely no bearing on the motivation as relied upon by the action. For example, simultaneous opening of several parcel compartments has no bearing on the number of deliveries a delivery company must make. If the parcel compartments were only to be opened one-at-a-time, a delivery company would not be forced to make multiple deliveries (i.e., delivery to one compartment only to leave and come back again for a delivery to an adjacent compartment). Rather, the deliveries would be made to one compartment and then another, with each compartment being opened individually. The delivery company would still be alleviated of the burden of having to make several trips, because it is the fact that the compartments are provided in the same location that limits the number of trips, not the simultaneous opening of the compartments. Likewise, simultaneous opening of several parcel compartments has no bearing on consumers being available for deliveries. Instead, "providing locker systems where consumers can pick up packages and drop off items located at convenient locations can alleviate this problem." (See Gokcebay et al., column 1, lines 17-19). Accordingly, the asserted motivation does not motivate one of ordinary skill in the art to provide an essentially simultaneous opening of several parcel compartments. As such, none of claims 12-18, 20 or 21 are rendered obvious over Moreno in view of Gokcebay et al.

For the foregoing reasons, reconsideration and withdrawal of the rejections of the claims and allowance thereof are respectfully requested. Should the examiner wish to discuss the foregoing, or any matter of form, in an effort to advance this application towards allowance, the examiner is urged to telephone the undersigned at the indicated number.

Appl. No. 10/820,586
Amdt. dated October 31, 2007
Reply to final official action of September 20, 2007

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive
6300 Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300

By: _____

Aaron M. Peters
Registration No.: 48,801
Attorney for Applicants

October 31, 2007